

COPY *in opinion*

Dr. Austin J. McCaffrey

to provide for a plan  
that the legislative  
representation

use

1955

March 15

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CONCORD, N.H.

Dr. Austin J. McCaffrey  
Commissioner of Education  
State Board of Education  
State House Annex

Dear Sir:

In answer to the letter written by  
Everett B. Sackett to you on March 1, 1955, the following is sub-  
mitted.

The legislature, in enacting the Co-  
operative School law, indicated in section 4 of chapter 199, Laws  
of 1947 as inserted by chapter 213, Laws of 1951 and as amended by  
section 3, chapter 225, Laws of 1953, that each pre-existing school  
district should be represented by membership on a cooperative school  
board. While the legislature failed to indicate the method of in-  
suring such representation, it is my opinion that they, in fact,  
imposed an additional qualification on any person seeking election  
or actually being elected to the cooperative school board. Thus,  
on a five person school board, with three districts such as the  
Oyster River District has, if the Lee representative's term expires,  
the clerk may accept filings only from inhabitants of Lee. In addi-  
tion, the person receiving the greatest number of votes, being a  
resident of Lee, is thereby elected.

It is interesting to note that Revised  
Laws, chapter 45, sections 14 and 15 have established county com-  
missioner districts, and while the entire county population votes  
for commissioners, only persons residing in a predetermined district  
are eligible to be a candidate and elected as a county commissioner.  
The person receiving the most number of votes from each district is  
elected.

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The Cooperative School Law is designed to provide for a similar type of representation. It is unfortunate that the legislature did not provide the method for insuring such representation as they did in relation to the county commissioners.

May I request that the foregoing be used as a basis for your answer to Mr. Sackott.

Very truly yours,

Arthur E. Bean, Jr.  
Assistant Attorney General

AEB, Jr/T  
enc.